



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2521

Introduced 2/3/2004, by Don Harmon

SYNOPSIS AS INTRODUCED:

720 ILCS 5/16-18

Amends the Criminal Code of 1961. Makes a technical change in a Section that defines "communication device", "communication service", "communication service provider", "unlawful communication device", "manufacture or assembly of an unlawful communication device", "unlawful access device", and "manufacture or assembly of an unlawful access device".

LRB093 20379 RLC 46149 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 16-18 as follows:

6 (720 ILCS 5/16-18)

7 Sec. 16-18. Unlawful communication and access devices;
8 definitions. ~~As used~~ In Sections 16-19, 16-20, and 16-21,
9 unless the context otherwise indicates:

10 "Communication device" means any type of instrument,
11 device, machine, or equipment which is capable of transmitting,
12 acquiring, decrypting, or receiving any telephonic,
13 electronic, data, Internet access, audio, video, microwave, or
14 radio transmissions, signals, communications, or services,
15 including the receipt, acquisition, transmission, or
16 decryption of all such communications, transmissions, signals,
17 or services provided by or through any cable television, fiber
18 optic, telephone, satellite, microwave, radio, Internet-based,
19 data transmission, or wireless distribution network, system or
20 facility; or any part, accessory, or component thereof,
21 including any computer circuit, security module, smart card,
22 software, computer chip, electronic mechanism or other
23 component, accessory or part of any communication device which
24 is capable of facilitating the transmission, decryption,
25 acquisition or reception of all such communications,
26 transmissions, signals, or services.

27 "Communication service" means any service lawfully
28 provided for a charge or compensation to facilitate the lawful
29 origination, transmission, emission, or reception of signs,
30 signals, data, writings, images, and sounds or intelligence of
31 any nature by telephone, including cellular telephones or a
32 wire, wireless, radio, electromagnetic, photo-electronic or

1 photo-optical system; and also any service lawfully provided by
2 any radio, telephone, cable television, fiber optic,
3 satellite, microwave, Internet-based or wireless distribution
4 network, system, facility or technology, including, but not
5 limited to, any and all electronic, data, video, audio,
6 Internet access, telephonic, microwave and radio
7 communications, transmissions, signals and services, and any
8 such communications, transmissions, signals and services
9 lawfully provided directly or indirectly by or through any of
10 those networks, systems, facilities or technologies.

11 "Communication service provider" means: (1) any person or
12 entity providing any communication service, whether directly
13 or indirectly, as a reseller, including, but not limited to, a
14 cellular, paging or other wireless communications company or
15 other person or entity which, for a fee, supplies the facility,
16 cell site, mobile telephone switching office or other equipment
17 or communication service; (2) any person or entity owning or
18 operating any cable television, fiber optic, satellite,
19 telephone, wireless, microwave, radio, data transmission or
20 Internet-based distribution network, system or facility; and
21 (3) any person or entity providing any communication service
22 directly or indirectly by or through any such distribution
23 system, network or facility.

24 "Unlawful communication device" means any electronic
25 serial number, mobile identification number, personal
26 identification number or any communication device that is
27 capable of acquiring or facilitating the acquisition of a
28 communication service without the express consent or express
29 authorization of the communication service provider, or that
30 has been altered, modified, programmed or reprogrammed, alone
31 or in conjunction with another communication device or other
32 equipment, to so acquire or facilitate the unauthorized
33 acquisition of a communication service. "Unlawful
34 communication device" also means:

35 (1) any phone altered to obtain service without the
36 express consent or express authorization of the

1 communication service provider, tumbler phone, counterfeit
2 or clone phone, tumbler microchip, counterfeit or clone
3 microchip or other instrument capable of disguising its
4 identity or location or of gaining unauthorized access to a
5 communications system operated by a communication service
6 provider; and

7 (2) any communication device which is capable of, or
8 has been altered, designed, modified, programmed or
9 reprogrammed, alone or in conjunction with another
10 communication device or devices, so as to be capable of,
11 facilitating the disruption, acquisition, receipt,
12 transmission or decryption of a communication service
13 without the express consent or express authorization of the
14 communication service provider, including, but not limited
15 to, any device, technology, product, service, equipment,
16 computer software or component or part thereof, primarily
17 distributed, sold, designed, assembled, manufactured,
18 modified, programmed, reprogrammed or used for the purpose
19 of providing the unauthorized receipt of, transmission of,
20 disruption of, decryption of, access to or acquisition of
21 any communication service provided by any communication
22 service provider.

23 "Manufacture or assembly of an unlawful communication
24 device" means to make, produce or assemble an unlawful
25 communication device or to modify, alter, program or reprogram
26 a communication device to be capable of acquiring, disrupting,
27 receiving, transmitting, decrypting, or facilitating the
28 acquisition, disruption, receipt, transmission or decryption
29 of, a communication service without the express consent or
30 express authorization of the communication service provider,
31 or to knowingly assist others in those activities.

32 "Unlawful access device" means any type of instrument,
33 device, machine, equipment, technology, or software which is
34 primarily possessed, used, designed, assembled, manufactured,
35 sold, distributed or offered, promoted or advertised for the
36 purpose of defeating or circumventing any technology, device or

1 software, or any component or part thereof, used by the
2 provider, owner or licensee of any communication service or of
3 any data, audio or video programs or transmissions to protect
4 any such communication, audio or video services, programs or
5 transmissions from unauthorized access, acquisition, receipt,
6 decryption, disclosure, communication, transmission or
7 re-transmission.

8 "Manufacture or assembly of an unlawful access device"
9 means to make, produce or assemble an unlawful access device or
10 to modify, alter, program or re-program any instrument, device,
11 machine, equipment or software so that it is capable of
12 defeating or circumventing any technology, device or software
13 used by the provider, owner or licensee of a communication
14 service or of any data, audio or video programs or
15 transmissions to protect any such communication, data, audio or
16 video services, programs or transmissions from unauthorized
17 access, acquisition, disclosure, receipt, decryption,
18 communication, transmission or re-transmission.

19 (Source: P.A. 92-728, eff. 1-1-03.)